

BILL NO. Z-72-06- 10

ZONING MAP ORDINANCE NO. Z- *Ordinance*

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. BB9.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. BB9 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Area bounded on the south by West State Boulevard; bounded on the east by St. Marys Avenue; bounded on the north by Clayton Avenue; and bounded on the West by a line 45' east of and parallel to the east property line of Lots 1 & 12 Thimlar's Addition.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus

Councilman

APPROVED AS TO FORM
AND LEGALITY,
Heidi H. H.

CITY ATTORNEY

Read the first time in full and on motion by Kraus seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Regulation (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____, 19____, at _____ o'clock P.M., E.S.T.

Date: June 13, 1972

Charles W. Metcalfe
CITY CLERK

Read the third time in full and on motion by Kraus seconded by V. Schmidt and duly adopted, placed on its passage.

~~Passed~~ (LOST) by the following vote:

AYES _____	NAYS <u>8</u>	ABSTAINED _____	ABSENT <u>1</u> to-wit:
Burns _____	<u>✓</u>	_____	_____
Hinga _____	_____	_____	<u>✓</u>
Kraus _____	<u>✓</u>	_____	_____
Nuckols _____	<u>✓</u>	_____	_____
Moses _____	<u>✓</u>	_____	_____
Schmidt, D. _____	<u>✓</u>	_____	_____
Schmidt, V. _____	<u>✓</u>	_____	_____
Stier _____	<u>✓</u>	_____	_____
Talarico _____	<u>✓</u>	_____	_____

Date 8-8-72

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 19____.

ATTEST:

(SEAL)

CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____-at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 19____ at the hour of _____ o'clock _____ m., E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 13, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-06-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and

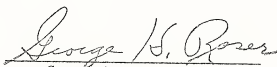
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 17, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 24, 1972.

Certified and signed this
26th day of July, 1972.


George Roser
Secretary

Bill No. Z-72-06-10

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. BB-9

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do Not PASS.

Eugene Kraus, Jr. - Chairman

James S. Stier - Vice-Chairman

William T. Hinga

Paul "Mike" Burns

Vivian G. Schmidt

Eugene Kraus

Paul "Mike" Burns

Vivian G. Schmidt

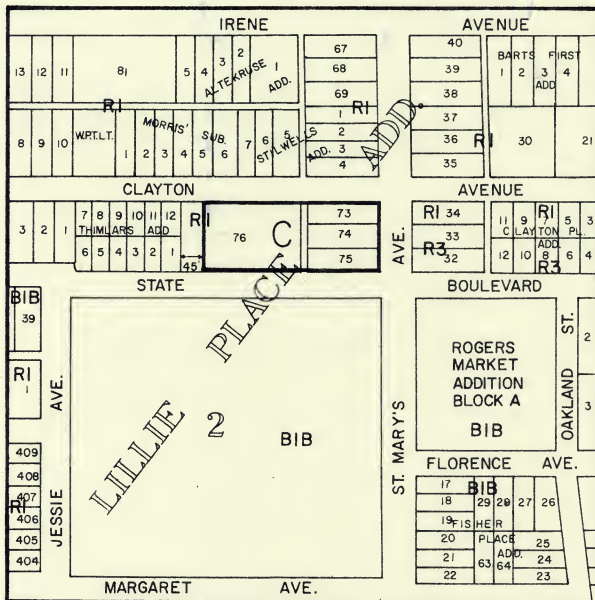
DATE 8-8-72 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

No 139

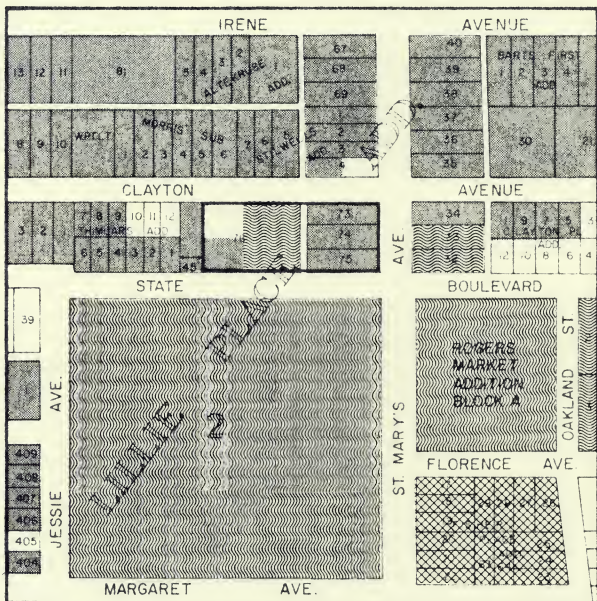
GENERAL FUND

FT. WAYNE, IND.. May 22 19 72RECEIVED FROM Harding, Dahm and Company \$ 50.00THE SUM OF Fifty and 00/100 100 DOLLARSON ACCOUNT OF Notes # 73, 74, 75, & 76 except
the west 45', in Lillie Place AdditionBarbara Steub
AUTHORIZED SIGNATURE

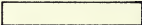





'C' CHANGE FROM RI TO BIB

2-72-06-10



EXISTING LAND USE MAP

-  - VACANT LAND
-  - LOW DENSITY RESIDENTIAL
-  - HIGH DENSITY RESIDENTIAL
-  - COMMERCIAL

CITY PLAN COMMISSION
City-County Building
One Main Street
Fort Wayne, Indiana

Mr. Ralph Blume
344 Utility Building
Fort Wayne, Indiana 46802

Dear Ralph:

The forwarding of this petition to rezone was delayed because of the existing requirement for a thorough check of the description by the City Engineering Department.

We received this petition on May 22, 1972.

It would be appreciated if this petition could be assigned a Bill Number in the order that the request came to us.

Sincerely,

CITY PLAN COMMISSION

Marshall Snyder
Marshall Snyder
Draftsman

MS:mo

TQ: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

DATE FILED: _____
INTENDED USE: Inside seating
restaurant

I/We Wayne E. Sheets, Maynard D. Faith and Thomas Foy, M.D.
Applicant's Name or Names

Do hereby petition your Honorable Body to amend the Zoning Map of Fort
Wayne, Indiana by reclassifying from an R-1

District to a B-1B District the
property described as follows:

(Legal Description)

All of Lots Numbered 73, 74, 75 and Lot 76, except
the West 45 feet, in Lillie Place Addition, City
of Fort Wayne, County of Allen, Indiana.

As recorded in Plat Book 4, Page 10.

General Description (Prepared by Planning Staff)

Area bounded on the south by West State Boulevard; bounded on the east by

St. Marys Avenue; bounded on the north by Clayton Avenue; and bounded on
the west by a line 45' east of and parallel to the east property line of

Lots 1 & 12 Thimlar's Addition.

(See Legal Description on Reverse Side)

Legal Description

Legal Description Checked by (City Engineer) James Embury for Ron Brown

The Undersigned applicant (s) upon the execution and submission of this
application and petition for zoning ordinance amendment, understands and
agrees that:

All requests for continuances or requests that ordinances be taken
under advisement shall be filed in writing in the Office of the City Plan
Commission by noon on the Wednesday preceding the meeting of the City
Plan Commission at which the ordinance is to be considered. If the request
for a continuance or for the ordinance to be taken under advisement is
filed within the required time, the head of the Plan Commission staff shall
not put the matter on the agenda for the meeting at which it was to be
considered. Also, in the event, a request is filed for continuance or
delay in the consideration of an ordinance, it shall be the obligation
of the petitioner to notify the same property owners which the Plan
Commission had notified by mail that the hearing has been postponed or
rescheduled and informing him of the time and place of the next meeting
at which the proposed ordinance will be considered. In the event the
time and place of the meeting is not known at the time that the request
for continuance is filed, it shall be the duty of the petitioner to notify
all persons notified by the Plan Commission Office when the time and
place of hearing is determined.

<u>Wayne E. Sheets</u>	816 Spring Street	<i>Wayne E. Sheets</i>
Name	Fort Wayne, Indiana	Signature
<u>Maynard D. Faith</u>	1807 Tecumseh Avenue	<i>Maynard D. Faith</i>
	Fort Wayne, Indiana	
<u>Thomas Foy, M.D.</u>	1104 West State Blvd.	<i>Thomas D. Foy</i>
	Fort Wayne, Indiana	

<u>Thomas D. Logan, Attorney</u>	<u>Indiana Bank Building</u>	<u>422-9454</u>
Name	Address	Telephone Number

Agent - Michael C. Dahm
HARDING, DAHM & COMPANY
1400 Lincoln Bank Tower
742-7125

PETITION TO PREVENT THE REZONING of
W. STATE AND ST. MARYS AVE. AREA.

Frank Pevert
917 Clayton Ave

Robert Senese
932 Clayton Ave

Mrs Mrs Edward D Murphy
1010 Clayton Ave

Mrs Violet Graves

1013 Clayton Ave

Gene Jackson

1014 Clayton Ave

Mrs Ethel McCoy.

927 Clayton Ave -

Bruce Miller

1004 Clayton Ave

Robert L. McByrt 927 Clayton Ave.

Kathryn Krueger 2517 St Marys

Flurence H. Gishley - 2507 St. Mary's Ave. 46808 -

Albert W. Lott 2531 St Marys Ave - 46808

Mr & Mrs Truman Amstutz 2427 St. Marys Ave

We the homeowners
oppose the rezoning
for a McDonalds on
West State !!

Name	Address
Marjorie L. Heim	1206 W. State
Mr & Mrs Elmer Budd	1210 Clayton
Mr & Mrs Howard Crowl	1206 Clayton
Mr & Mrs Jerry Mace	1221 Clayton
Pearl Ensch	1224 W. State
Mrs Virginia L. Ayers	1202 Clayton.
Mr & Mrs Sauters	2405 St Marys ave
Mr & Mrs John Trinklin	2415 St Marys Ave
Mr & Mrs James Deaton	1428 St Marys Ave
Mr & Mrs Arthur Sarge	2426 St. Marys Ave
Mr & Mrs Floyd S. Gifford	2410 St. Marys Ave.
Mrs Bertha Seibold	1506 Clayton Ave.
Mrs Lillian J. Burton	2423 St. Marys, Ave.
Mrs. Viva Knight	1318 Clayton, ave.
Mrs Arvilla Hobbs	1212 W. State
Mr & Mrs Zechner	1230 W State Blvd
Mrs. Otto Kelder	1212 Clayton
KAHLENBECK	1224 Clayton

Name

Address

Mrs. Mrs. Hugh D. Dale	1229 Clayton Ave
John C. Cook	1314 Clayton Ave.
Anna C. Cooley	1314 Clayton Ave
Mr. & Mrs. David C. Birnie	1220 Clayton Ave.
Anna Driver	1126 Clayton Ave.
Mrs. Nicolet	1226 Clayton Ave.
Glenn Henderson	1304 W. State Blvd
Mr. & Mrs. Paul Waters	1308 W. State Blvd
Mr. & Mrs. Wm. McGinnis	1218 W. State
Mr. & Mrs. Leary Carpenter	1108 Clayton Ave
Mr. & Mrs. James M. E. Carty	1139 Deane Ave.
Mr. & Mrs. Terry Rutan	1209 Irene
Mr. & Mrs. Michael Osterman	1219 June
Mrs. & Mrs. W. F. Brown	1302 June
Mrs. Corlie Marshall	2315 St. Mary

Petition To Prevent The
Re zoning of W. State, St. Marys Area

Mr. & Mrs. Joseph Doak
1119 Irene Ave.

Mr & Mrs Howard Boren
1101 Irene Ave.

Mr & Mrs Nick Krajewski
1120 Irene Ave.

Mr & Mrs Gene Stephens
1122 Irene Ave

Mr & Mrs. Wallace Martin
1015 Irene Ave.

Mrs Dorothy A. Jensen } 2307
Viggo A. Jensen } St. Marys

John L. Dufbery } 2301 St. Marys
Justine A. Dufbery }

Clarence F. Lamle }
Ear Lamle } 2316 St Marys
Mildred Schell 2418 St Marys Ave
G. R. Schmidt 1614 Fremont St
Mrs Harold Urbine 1009 Irene Ave

City Plan Commission
Fort Wayne, Indiana

Re: Proposed building of Mc Donalds
on West State

We listened to your program on the television Sunday re the traffic problems in Fort Wayne.

We agree - Fort Wayne has problems and if you allow Mc Donalds to build on West State, you will triple the traffic problems there. The street is not even wide enough for ordinary traffic and we have truck traffic for Dana, the shopping centers and Char King. This causes a bottle neck - we have to drive to and from work so we know. We therefore request that you deny the petition of Mc Donald's when it comes up for a hearing in July.

Mr + Mrs Anthony Coyne
2608 Poinsette Drive
Fort Wayne, Indiana

St. Wayne, Ind.
July 15, 1972

Dear Sir,

You sent me a letter trying to zone
this district. Do you think the property owners
will be on their vacation and will not appear,
I objected to this before and I still feel
the same as I did then. The stench from a
restaurant is unbearable. Also the litter
which the city of St. Wayne is trying to
eliminate should be given some consideration.

My wife & I are almost 60 yrs. old. I have
an artificial leg and I know that the teenagers
will make a racetrack out of this territory.

Why don't they locate in the county? I
signed a petition against this zoning. How
would you like to have a bearing across
the street from you?

Yours truly,
Glynd D. Affolter

2440 St. Wayne Ave.
St. Wayne Ind. 46505